

Mill Conversion Overlay District Zoning Bylaw Amendment

To see if the Town will vote to amend the Zoning By-Law by adding a new Section 13, Mill Conversion Overlay District, and by amending Sections 2.1, 3 and 4.3 to be consistent with the new Section 14, as set forth below:

Section 13 Mill Conversion Overlay District

13.1 Purpose

The purposes of this Mill Conversion Overlay District (MCOB) are:

1. To encourage the preservation, reuse and renovation of historic mill properties;
2. To allow for the conversion of Warren's historic mills in a way that preserves the character of nearby residential and commercial neighborhoods;
3. To enhance business vitality and provide employment opportunities; and
4. To encourage sustainable mixed-use development that meets a variety of community needs.

13.2 Establishment of Overlay District

The MCOB is established as an overlay district. The boundaries of the MCOB are shown on the Mill Conversion Overlay District Map on file with the Town Clerk. Within the MCOB, all regulations of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MCOB may be used either for (1) a Mill Conversion Project (MCP), in which case the regulations set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MCOB are silent on a zoning regulation, the requirements of the underlying district shall apply.

13.3 Special Permit and Site Plan Approval Required

The Planning Board may issue a special permit and approve a site plan pursuant to Section 5.3 for the redevelopment or conversion of an existing mill. Each residential MCP shall attain seventy-five percent (75%) occupancy, as determined by the Building Inspector, before an applicant may submit another residential MCP special permit/site plan approval application. The following uses are allowed as part of a Mill Conversion Project.

1. Multi-family residential, assisted living facilities, nursing homes, senior residential facilities, bed and breakfast establishments
2. Commercial uses, including but not limited to retail sales, banks, convenience stores, financial services, theaters, health/fitness clubs, indoor recreation, indoor flea markets, and dental and medical services
3. Restaurants, fast food restaurants, taverns, bakeries, delicatessens
4. Personal service establishments, such as but not limited to barber shops, beauty shops, tanning salons, nail salons, shoe repair shops, massage therapy, dry cleaners, and tailors

5. Hotels, inns, and conference facilities
6. Business and professional offices
7. Light industry, processing, assembly, wholesale trade, warehousing, research and development
8. Artist studio/residence, photographer, potter, sculptor, dance studio, music school, art gallery, live performance stages, and similar artistic and cultural endeavors
9. Museums, educational uses, charitable or philanthropic organizations, municipal uses, child care facilities, and similar institutions
10. Drive-thru windows for fast food restaurants, donut shops, banks, etc.
11. Hydroelectric generating units

13.4 Dimensional Regulations

- 13.41 Existing Structures: Structural alterations and repairs may be made to existing mill buildings or accessory structures even though at the time of the application for the building permit the lot, building, or structure does not conform to one or more of the dimensional requirements of the underlying district. The special permit may authorize alteration, extension or expansion of the structure to conform to the Building Code for health and safety purposes or to overcome unusual design constraints caused by the historic development pattern of the premises. Such expansion shall be consistent with the character and scale of existing building(s).
- 13.42 New Construction: The dimensional requirements of the Village district shall apply to all new structures or buildings. The type and architectural style of such new buildings and structures shall be subject to Planning Board approval, shall be in keeping with the historical context of the mill, and shall not have a detrimental effect on the neighborhood.
- 13.43 Multi-Family Development:
 1. Residential density shall not exceed one dwelling unit per 15,000 square feet of lot area. The limit of twelve units per building in section 3.22.3 shall not apply to buildings in existence before January 1, 2012.
 2. Not more than twenty percent (20%) of the dwelling units in an MCP shall consist of three (3) or more bedrooms.
 3. Not more than 50% of the gross floor area¹ of buildings on the premises at the date of adoption of this bylaw shall be used for residential purposes.
 4. The minimum gross floor area of a dwelling unit shall be eight hundred (800) square feet.

¹ As defined in the State Building Code, 780 CMR 1002.1.

5. In order to maintain a balance between residential and non-residential uses in the MCOB, the floor area renovated for residential use may at no time exceed the floor area occupied by non-residential uses by more than 50,000 sq. ft., except due to vacancies caused by non-residential tenants leaving the premises.

13.5 Submission Requirements

Each application shall contain the information specified in the Planning Board's Regulations for Site Plan Approval. In addition, the applicant shall submit the following information:

1. An overall plan of development showing existing and proposed buildings and the intended uses for each building, if known. The plan shall show special natural and cultural features, including wetlands and significant wildlife habitats, rivers and ponds, dams and mill structures, existing and proposed trails and paths, open vistas, structures to be preserved or demolished, and proposed conservation and recreation areas.
2. Architectural drawings and typical elevations illustrating the design, location and layout of buildings. Perspective renderings shall show the finished appearance of the MCP and its visual impact on adjacent properties.
3. For residential uses, a plan to scale for each floor of each building that shows the location and number of residential units, the number of bedrooms, floor area of each unit, and location of affordable dwelling units, if applicable. For non-residential uses, the applicant shall provide a floor plan to scale that shows the location, floor area, and proposed use of each floor.
4. A plan depicting the care, custody and control of all dams and water rights and location of hydroelectric facilities, if applicable
5. Copies of all proposed covenants, easements, and other restrictions that the Applicant proposes to grant to the Town, and information on the organization that will own and maintain the MCP.
6. A narrative that includes the following information:
 1. A project summary containing an overview of the project, impact on environmental and historic resources, a description of the mix of proposed uses, and the manner in which uses complement each other, prevent conflict with the adjacent neighborhood, and achieve the purposes of the MCOB;
 2. The number and type of residential units, floor area of non-residential uses, and form of ownership;
 3. Number of parking spaces and allocation to proposed uses;
 4. A proposed development schedule that describes the phases of development, the order of construction and renovation of buildings, and the estimated dates of completion;

5. A report prepared by a preservation consultant that includes the architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder;
6. Manner of water supply, estimate of water use, ability of the water district to serve the proposed use, and impact on the water distribution system;
7. Estimate of sewage generation from the MCP and the effect of the project on the sewer system;
8. Estimate of the number of new school children and total population that may reside on the premises. In addition, the applicant shall provide a fiscal impact analysis to inform the Planning Board of the net fiscal impact of the project upon Town resources.

13.6 Development Standards

1. **Open Space:** At least 25% of the undeveloped land on the property existing at the time of the first application shall be protected from development and open to the public. The protected open space may be phased in as the mill buildings are re-developed. Possible uses include, but are not limited to, riverfront trails, access to historic or archaeological resources, protection of endangered species. The open space shall be subject to a permanent conservation or agricultural preservation restriction in accordance with the provisions of MGL c. 184 §§ 31-33.
2. **Parking:** The MCP shall provide adequate parking to serve all anticipated uses on the property.
3. **Parking Lot Landscaping:** Parking lots shall contain interior landscaping covering not less than five percent (5%) of the total area of the lot. Parking lots shall also have landscaping around the perimeter of the lot for a width of ten feet (10') planted with trees and shrubs.
4. **Utilities:** All new or relocated utility and communication lines shall be underground, except upon a demonstration of exceptional circumstances. Light fixtures shall be compatible with the architectural theme of the mill.
5. **Buffers:** Landscaped buffers shall shield adjacent properties from objectionable views and minimize negative impacts such as glare, noise, and odors.
6. **Outside Storage:** Outside storage areas for materials, equipment or trash shall have an opaque screen to shield such areas from view. Such screens may be walls, fences, landscaped berms, evergreen plantings, or any combination thereof. Building materials shall be compatible with the architectural theme of the mill.
7. **Paths:** The Planning Board may require paths to access the amenities and facilities on the site and to connect to paths or sidewalks on adjacent properties. Such paths shall have an attractive design and show proper regard for pedestrian convenience and separation from vehicular traffic.

13.7 Approval Criteria

The Planning Board may grant a special permit for an MCP if it determines that the proposed project complies with the special permit criteria of Section 5.1 and site plan approval standards of Section 5.35 of this Bylaw. The Planning Board shall consider the following criteria when making its determination:

1. **Vehicle and Pedestrian Movements:** The MCP contains provisions for convenient and safe vehicular and pedestrian movement within the site, for traffic improvements to mitigate negative impacts on the adjacent street network, and for adequate emergency vehicle access.
2. **Parking:** Sufficient off-street parking is available to accommodate the needs of the MCP, including visitors and patrons of the commercial uses, without detriment to the surrounding neighborhood.
3. **Town Services:** Demands placed on municipal and school services do not exceed the capacity of the Town or School District to provide such services.
4. **Landscaping:** Landscaping minimizes the visual impact of off-street parking areas, dumpsters, and other unsightly uses on adjacent properties and enhances the overall appearance of the MCP.
5. **Amenities:** The proposed development benefits the neighborhood through design features such as vegetative buffers, retention of views, and the provision of open space accessible to the public.
6. **Town Character:** The MCP preserves mill features, achieves architectural compatibility with the neighborhood, employs native landscaping, and is in character and scale with the surrounding neighborhood and the natural landscape.
7. **Water Supply:** There is a safe and adequate water supply to meet the needs of the MCP, including sufficient supply and pressure for fire fighting on the site.
8. **Sewage Treatment:** There is adequate capacity in the Warren sewage treatment plant to accommodate the anticipated flow.
9. **Environment:** The MCP has no negative impacts upon the environment considering such features as air and water quality, wetlands, rare and endangered species, noise, stormwater, open space, energy use, etc.

13.8 Waivers

The Planning Board may waive or modify the standards of this Bylaw where existing conditions do not allow for full compliance. The Board may specify alternative measures to protect the Town or neighborhood and achieve the purposes listed in §13.1.

13.9 Definitions

“Mill Conversion Project” (MCP) shall mean the conversion of an existing mill, or portion thereof, to uses permitted in the Mill Conversion Overlay District.

Amend Section 2.1 Classes of Districts, by adding to the end of the list:

MCOD = Mill Conversion Overlay District

Amend Section 3 Use Regulations, by adding a new unnumbered paragraph, in numerical order of the new section number, after “N = Use Prohibited”:

Mill Conversion Project is regulated by Section 13.

Amend Section 4.3 Special Dimensional Requirements, by adding a new subsection, as follows:

4.37 Mill Conversion Overlay District.

See Section 13.

Or take any action relative thereto.